THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 9882 of 2006

23.05.2006

Between:

P.Muniratnamma.

…Petitioner

And

The Commissioner, Kadapa Municipal Corporation, Kadapa & another.

….Respondents.

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 9882 of 2006

ORDER :

The petitioner states that she has purchased a plot of land bearing D.No.15/177C through sale deed dated 13.5.2002 and obtained permission from the erstwhile Kadapa Municipality on 18.4.2003 for undertaking construction. It is stated that the

construction has been since completed.

The petitioner states that in the recent floods, a portion of the building was washed away and she restored the same. The 1st respondent had demolished the structures so raised, on 14.10.2005, without issuing a notice and that she has raised temporary structures on 16.10.2005. The present complaint of the petitioner is that the respondents are trying to demolish the same without issuing any notice.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

The question as to whether the construction undertaken by the petitioner is illegal or is covered by any permission, cannot be considered at this stage in the present set of proceedings. If, however, the petitioner had obtained any permission on 18.4.2003 and the existing structure does not deviate from the same in material aspects, the respondents cannot demolish the same. Even where they find that there is any deviation on the part of the petitioner, the respondents must issue a notice, before proceeding further.

Hence, the writ petition is disposed of directing that the respondents shall not demolish any structure raised by the petitioner in accordance with the sanctioned plan on 18.4.2003 issued by the erstwhile Kadapa Municipality. In case it is found that the petitioner has deviated from the said plan, it shall be open for the respondents to take further steps in accordance with law. No order as to costs.

(L.NARASIMHA REDDY, J)

23rd May 2006

ajr/cvrk